BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

JEREMIAH JUN PAK

DOCKET NO. 02-0088

For Amendment of Motor Carrier Certificate.

OF CONSUMER ADVOCASI DEPT OF COMMER AFFARS CONSUMER AFFARS STATE OF LAWARS

DECISION AND ORDER NO. 19458

Filed July 9, 2002
At 9:00 o'clock A.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk Public

Chief Clerk, Public Utilities Commission, State of Hawaii.

mmission, State of Hawaii.

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Certificate.

DECISION AND ORDER

I.

JEREMIAH JUN PAK (Applicant) is a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 passenger classification. By an application filed on April 18, 2002, Applicant seeks to amend his authority under certificate of public convenience and necessity number 1100-C by (1) surrendering his 1-to-7 passenger authority, and (2) including the 8-to-25 passenger classification. Applicant represents that if his authority is amended as requested, he can meet customer demand for motor vehicles with a larger seating capacity.

Applicant served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist of carriers that may be affected by Applicant's proposed service, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate). The Consumer Advocate did

not participate in this proceeding, and no persons moved to intervene in this docket.

II.

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request to amend his authority by adding the 8-to-25 passenger classification should be granted.

Furthermore, pursuant to HRS § 271-19, a certificate of public convenience and necessity may be terminated upon application of the holder. The commission finds good cause to grant Applicant's request to terminate his authority in the 1-to-7 passenger vehicle classification.

III.

THE COMMISSION ORDERS:

1. Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification. Applicant's authority in the 1-to-7 passenger classification shall terminate upon written notification from the commission that all requirements for the amended operating authority have been met.

Applicant shall surrender Certificate No. 1100-C, 2. and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.

Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff and complying with the safety requirements of the Motor Vehicle Safety Office,

Department of Transportation, State of Hawaii.

shall comply with 4. Applicant the foregoing requirements within 120 days after service of this decision and Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

Applicant shall not commence operations under this 5. decision and order until he has received written confirmation from the commission that all requirements have been met.

> DONE at Honolulu, Hawaii this 9th day of July, 2002.

> > PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

he H. Kimura, Chairman

Dennis R. Yamada, Commissioner

APPROVED AS TO FORM:

(EXCUSED)

Janet E. Kawelo, Commissioner

Benedyne S. tone Commission Counsel

02-0088.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No.19458</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY P. O. Box 541 Honolulu, HI 96809

JEREMIAH JUN PAK 500 University Avenue, #532 Honolulu, HI 96826

Carberine Sakaro

DATED: July 9, 2002